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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,209	09/12/2000	Charles W. Mitchell	1001-0135	6900
22120	7590	04/23/2004	EXAMINER	
ZAGORIN O'BRIEN & GRAHAM, L.L.P. 7600B N. CAPITAL OF TEXAS HWY. SUITE 350 AUSTIN, TX 78731			LAU, TUNG S	
		ART UNIT	PAPER NUMBER	
		2863		

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Tung S Lau

2803

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-13,15,18,20-30 and 32-37 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-5,7-13,15,18,20-30 and 32-37 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413)

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 13, 20, 23, 25, 27, 30, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 18, 21, 22, 24, 26, 28, 29, 32, 33, 34, 35, 36, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Honda et al. (U.S. patent 6,131,073).

Regarding claim 1:

Honda discloses an integrated circuit comprising a temperature sensor providing a temperature measurement of the integrated circuit (Col. 1-2, Lines 55-55); a programmable storage location storing a first temperature limit value (Col. 2-3, Lines 50-19), the programmable storage location accessible via an instruction executed by the integrated circuit (Col. 2-3, Lines 50-19, fig. 1); and compare logic coupled to the temperature sensor and the storage location to provide an indication of a comparison between the temperature measurement and the first temperature limit value (Col. 2-3, Lines 34-9, fig. 2), wherein the integrated circuit

asserts a first temperature control signal which is supplied on a first output terminal of the integrated circuit when the temperature measurement is above the first temperature limit value (col. 11, lines 19-48, fig. 6, unit 210-260) .

Regarding claim 13:

Honda discloses a method comprising measuring a temperature of an integrated circuit with a temperature sensor (Col. 2, Lines 35-41), the temperature sensor being a circuit within the integrated circuit (Col. 1-2, Lines 55-41); comparing the measured temperature to a first limit value stored in the integrated circuit (Col. 2-3, Lines 50-19); and generating a signal on a first output terminal of the integrated circuit according to the comparison to control the temperature of the integrated circuit (Col. 2-3, Lines 50-19), wherein the signal is asserted when the measured temperature is greater than the first limit value (Col. 2-3, Lines 50-19), and wherein the signal on the first output terminal is deasserted in response to either a control location on the integrated circuit is being accessed or the measured temperature falling below a lower limit value, according to a programmable mode of operation (Col. 2-3, Lines 50-19, fig. 1, unit 22).

Regarding claim 20:

Honda discloses a method including measuring a temperature of an integrated circuit with a temperature sensor (Col. 2, Lines 35-41), the temperature sensor being a circuit within the integrated circuit (fig. 1, unit 12, 4); comparing the

measured temperature to a first limit value stored in the integrated circuit; generating a signal on a first output terminal of the integrated circuit according to the comparison to control the temperature of the integrated circuit (Col. 1-2, Lines 55-55); and accessing a control location in the integrated circuit to cause the signal to be deasserted (Col. 2-3, Lines 56-19, fig. 1, 2).

Regarding claim 23:

Honda discloses a method comprising measuring a temperature of an integrated circuit with a temperature sensor (Col. 1-2, Lines 55-67), the temperature sensor being a circuit within the integrated circuit (fig. 1); comparing the measured temperature to a first limit value stored in the integrated circuit (Col. 2, Lines 6-55); and generating a signal on a first output terminal of the integrated circuit according to the comparison to control the temperature of the integrated circuit (Col. 2, Lines 6-67); comparing the measured temperature to a second limit value stored in the integrated circuit; and asserting a second signal on a second output terminal of the integrated circuit when the measured temperature is above the second limit value, thereby indicating that temperature has exceeded a safe limit (Col. 2, Lines 30-55).

Regarding claim 25:

Honda discloses an apparatus comprising a processor including means for measuring a temperature of the processor and providing a measured

temperature (fig. 1); means for comparing the measured temperature to at least first limit value and a second limit value (Col. 2, Lines 35-55); means for providing a control signal on a first output terminal of the processor according to the comparison of the measured temperature to the first limit value the control signal to control the temperature of the integrated circuit (Col. 2, Lines 35-55); and means for providing an indicator signal on a second output terminal of the integrated circuit when the measured temperature is above the second limit value thereby indicating that the measured temperature has exceeded a safe limit (Col. 2, Lines 35-55).

Regarding claim 27:

Honda discloses a microprocessor comprising a temperature sensor providing a temperature measurement of the integrated circuit (Col. 2, Lines 30-55); at least a first and second temperature limit value stored in programmable storage locations in the microprocessor (Col. 2-3, Lines 50-9), the storage locations being accessible via software executed by the microprocessor (fig. 1, unit 22); compare logic coupled to the temperature sensor and to the programmable storage locations storing the first and second temperature limit values (Col. 2, Lines 35-55), to provide respectively a first and second signal indicative of a comparison between the temperature measurement and the first and second temperature limit values; and first and second output terminals coupled to provide respectively, the first and second signals (Col. 2-3, Lines 35-9, fig. 2).

Regarding claim 30:

Honda discloses an integrated circuit comprising a temperature sensor to provide a measured temperature of the integrated circuit (Col. 2, Lines 35-55); a storage location to hold a first programmable value indicating a first temperature limit (Col. 2-3, Lines 50--9); and compare logic coupled to compare the measure temperature and the first temperature limit and to provide an indication of the comparison (Col. 2-3, Lines 35-9, fig. 2), and a first output coupled to provide a first temperature control signal corresponding to the indication provided by the compare logic (col. 11, lines 19-47) .

Regarding claims 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 18, 21, 22, 24, 26, 28, 29, 32, 33, 34, 35, 36, 37:

Honda discloses temperature is above limit, below the temperature range (Col. 2, Lines 35-55), deasserts the signals in response to temperature changes according to mode of operation (Col. 2, Lines 30-55, fig. 2, unit 42), storage location is addressable accessible by instruction (fig. 1, unit 20, 22, 24), temperature comparison is external to the IC to asset signal (fig. 1, unit 10, 30, 14, 12), contains second storage unit (fig. 1, unit 24), third storage unit (fig. 1, unit 22, 16), below to a third limit value (Col. 2, Lines 35-55), the IC is microprocessor (fig. 1, unit 20), the signal is used to inhibit cooling device to control temperature (Col. 1-2, Lines 55-30), direct control a cooling device (Col.

1-2, Lines 55-30), use sequence of instruction cause the signal to be deasserted (fig. 5, 6, Col. 1-2, Lines 55-30), a control location in the IC, including at least one cooling device in response to asserted signal (fig. 2, unit 42), software accessible control register (fig. 2, unit 38, 28), indication of the compare logic (fig. 2, unit 42), control temperature when excess the reference temperature (Col. 2, Lines 35-55), compares to multiple temperatures (Col. 1-2, Lines 55-55).

Claim Objections

2. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the temperature limit value is a panic value.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 2/12/2004 have been fully considered but they are not persuasive.

A. Applicant argues in the lengthy arguments that the prior art does not show the ‘comparison being performed external to the integrated circuit’. In response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., ‘comparison being performed external to the integrated circuit’) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B. Applicant argues in the lengthy arguments that the prior art does not show the ‘asserting a temperature control signal and supplying the asserted signal on an output terminal of the integrated circuit’. Honda discloses ‘asserting a temperature control signal and supplying the asserted signal on an output terminal of the integrated circuit’ in col. 4-5, lines 51-8, col11, lines 19-47.

C. Applicant continues to argue in the lengthy arguments that the prior art does not show the ‘ generating a signal on an output terminal of an Integrated circuit, deasserting a signal in response to either a control location on the IC being accessed or to the measured temperature falling below a lower limit value’. Honda discloses ‘ generating a signal on an output terminal of an Integrated circuit, deasserting a signal in response to either a control location on the IC being accessed or to the measured temperature falling below a lower limit value’ in col. 11, lines 19-47, col. 4-5, lines 51-7.

D. Applicant continues to argue in the lengthy arguments that the prior art does not show the 'accesing a control location in an IC to deassert a signal on an output terminal'. Honda discloses 'accesing a control location in an IC to deassert a signal on an output terminal' in col. 11, lines 19-47, col. 4-5, lines 51-7.

E. Applicant continues to argue in the lengthy arguments that the prior art does not show the 'generating a signal on the output terminal of an integrated circuit, being accessed on to the measured temperature falling below a lower limit value'. Honda discloses 'generating a signal on the output terminal of an integrated circuit, being accessed on to the measured temperature falling below a lower limit value' in col 11, lines 19-47, col. 405, lines 51-7.

E. Applicant continues to argue in the lengthy arguments that the prior art does not show the 'temperature is above a second limit value, thereby indicating that temperature has exceeded a safe limit'. Honda discloses 'temperature is above a second limit value, thereby indicating that temperature has exceeded a safe limit' in fig. 6, unit 210-260.

Reminds to the applicant that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 FAX Telephone Numbers: 703-872-9306

TC2800 Customer Service FAX - (703) 872-9317

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A handwritten signature in black ink, appearing to read "John Barlow".